

No. 9(1)81-6Lab/10658.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s Goodyear India Ltd., Ballabgarh.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER INDUSTRIAL TRIBUNAL  
HARYANA, FARIDABAD.

Reference No. 372 of 1978.

*Between*

Shri Satish Kumar workman and the management of M/s Goodyear India Ltd., Ballabgarh.

*Present:—*Shri R.C. Sharma, for the workman.

Shri O.P. Malhotra/Shri Sat Paul for the management.

AWARD

By order No. ID/FD/10-A-78/38766, dated 24th August, 1978 the Governor of Haryana referred the following dispute between the management of M/s Goodyear India Ltd., Ballabgarh and its workman Shri Satish Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the suspension of Shri Satish Kumar for the period from 25th November, 1976 to 9th March, 1977 was justified and in order? If not, to what relief is he entitled to?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleading of the parties issues were framed on 26th June, 1979 as follows :—

1. Whether the subject matter of the reference is not an industrial dispute on the ground that the same has not been espoused properly by the workmen?
2. Whether the suspension of Shri Satish Kumar for the period from 25th November, 1976 to 9th March, 1977 was justified and in order? If not, to what relief is he entitled to?

And the case was fixed for the evidence of the workman on issue No. 1. This issue after recording of evidence, was decided in favour of the workman by my order, dated 27th August, 1980 and the case was fixed for the evidence of the management on the other issue. Then the management filed an application for framing of additional issue No. 3 which was framed on 24th October, 1980 as follows :—

3. Whether the domestic enquiry is proper and according to law? The management examined Shri K.L. Khurana Manager Labour on issue No. 3. The workman did not lead any evidence. This issue was decided in favour of the management, —vide my order dated 25th March, 1981. Arguments were heard. Now I give my finding on the remaining issues :—

**Issue No. 2—**The learned representative for the management argued that there was no evidence of the workman. He referred to clause XVII I(c) of the Certified Standing Orders and argued that the management had authority to punish a workman by suspending him for a period not exceeding seven days. He further argued that an employee against whom any action was proposed to be taken for misconducting may be suspended without wages or admissible allowance pending enquiry against him. He pointed out that the workman was under suspension from 25th November, 1976 to 1st March, 1977 on account of domestic enquiry pending against him and further from 2nd March, 1977 for seven days on account of award of punishment on the finding of domestic enquiry against him. It was also argued that the action of the management was fortified under clause XVII I(c) of the Certified Standing Orders.

On the other hand the learned representative for the workman argued that the workman was victimised because instead of seven days he was kept suspended from 25th November, 1976 to 9th March, 1977. He argued that that the intention of the clause awarding punishment of seven days suspension was violated by the management because the workman was unnecessarily kept under suspension. It was also argued by him that in case the punishment was given without holding an enquiry it would entail only seven days suspension whereas in the present case the management took pretty long time. The enquiry was concluded on 29th January, 1977 but the order of punishment was passed on 2nd March, 1977. The learned representative for the management replied that the enquiry was delayed because of non-participation of the workman in the enquiry. After many adjournments it was concluded *ex-parte* on 29th January, 1977. He drew attention to a paragraph of my order dated 31st March, 1981.

I find that the workman was charge sheeted,—vide Ex. MW-2/1 and enquiry held into the charges. This is a fact that the enquiry took a long time but the time was taken due to non-participation of the workman as held by me in my order, dated 31st March, 1981. The enquiry was concluded *ex parte*. On 28th January, 1977 because the workman was not present even on that date. The management took about a month in passing the final order. This time is not unreasonable on the ground that the time could be taken by the Enquiry Officer in giving his findings and also by the management in arriving at a conclusion over the finding of the Enquiry Officer. As regards the punishment it is relevant to go into the clause of the Standing Orders which is as under :—

“Suspended by an order in writing signed by the Manager for a period not extending 7 days, demoted reverted or dismissed without notice. No order in this respect shall be made save after holding, an enquiry against the workman concerned in respect of the alleged misconduct in the following manner. A workman against whom an enquiry is to be held, shall be given a chargesheet clearly setting forth the circumstances appearing against him and requiring a satisfactory explanation. He shall be given an opportunity to answer the charge and permitted to defend himself and/or be represented by another employee. Except for reasons to be recorded in writing by the person holding the enquiry the employees shall be permitted to produce witnesses in his defence and cross-examine any witness on whose evidence the charge rests. A concise summary of the evidence led on either side and the employee's plea shall be recorded and the employee's signature or left thumb impression in the presence of a witnesses obtained. The employee shall present himself before the Management to explain the circumstances alleged against him. If an employee refuses to accept a chargesheet he shall be deemed to have been informed in writing as laid down in the Standing Orders, provided he has been asked to accept the chargesheet in the presence of at least one witness. He shall however, be informed verbally, in the presence of a witness the time and date at which the enquiry into his alleged misconduct is to be held. If he still refuses or fails to present himself enquiry shall be concluded *ex parte* and the punishment awarded shall take account of misconduct committed under the Standing Orders. An employee against whom any action is proposed to be taken for misconduct may be suspended without wages or admissible allowance pending the enquiry or for the period, if any, allowed to him for giving his explanation. The order of suspension may take effect immediately on its communication to the employees. If as a result of the enquiry held and/or explanation tendered it is decided not to punish the employee, the employee shall be deemed to have been on duty and shall be entitled to full wages and all privileges for the period of suspension.”

There is a clear provision in this clause about the suspension pending enquiry and suspension as a punishment. The workman did not produce any evidence to show his victimisation or malafide on the part of the workman. Therefore, I hold that the suspension of Shri Satish Kumar for the period from 25th November, 1976 to 9th March, 1977 was justified and in order. This issue is decided in favour of the management.

**Issue No. 3.**—This issue has already been decided,—vide my order dated 31st March, 1981 in favour of the management.

The findings given by me on the issues above, I give my award that the suspension of Shri Satish Kumar for the period from 25th November, 1976 to 9th March, 1977 was justified and in order. The workman is not entitled to any relief.

Dated 27th August, 1981.

M.C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 782 Dated 9th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M.C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

**No. 9(1)81-6Lab./10659.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Belmont Rubber Industries, Faridabad.

BEFORE SHRI M.C. BHARDWAJ PRESIDING OFFICER INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD.

Reference No. 189 of 1981.

Between

Shri Brijesh Kumar workman and the management of M/s Belmont Rubber Industries, Faridabad.

Present:—None for the workman.

Shri R.C. Sharma for the management.

## AWARD

By order No. ID/FD/62/81/30592, dated 23rd June, 1981, the Governor of Haryana referred the following dispute between the management of M/s. Belmont Rubber Industries, Faridabad and its workman Shri Brijesh Kumar, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Brijesh Kumar was justified and in order ? If so, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the management appeared but the workman did not appear despite service and the case was ordered to be dismissed for non-prosecution by the workman. I, therefore, dismiss the case for non-prosecution by the workman.

Dated 28th August, 1981.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 783, dated 9th September, 1981.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947 :—

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 9(1)81-6Lab./10660. —In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer Industrial Tribunal, Faridabad in respect of the dispute between the workman and the management of M/s Damson Engineering Works, N.I.T., Faridabad.

BEFORE SHRI M. C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 218 of 1981

between

Shri Badri Parsad workman and the management of M/s Damson Engineering Works N.I.T., Faridabad.

Present.—None, for the workman.

Shri R.C. Sharma for the management.

## AWARD

By order No. ID/FD/39/31/32057, dated 3rd July, 1981, the Governor of Haryana referred the following dispute between the management of M/s. Damson Engineering Works N.I.T., Faridabad and its workman Shri Badri Parsad, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Badri Parsad was justified and in order ? If so, to what relief is he entitled ?

On receipt of the order of reference, notices were issued to the parties. The representative for the management appeared but the workman did not appear despite service and the case was ordered to be dismissed for non-prosecution by the workman. I, therefore, dismiss the case for non-prosecution by the workman.

Dated the 28th August, 1981.

M.C. BHARDWAJ,  
Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.

No. 784, dated 9th September, 1981.

Forwarded (four copies) the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,  
Industrial Tribunal, Haryana, Faridabad.